

REMARKS

The Applicant respectfully requests reconsideration in view of the following remarks and amendments. Claims 1 and 20 have been amended. Claim 2, 17 and 21 were previously cancelled. No claims have been added. Accordingly, claims 1, 3-16, and 18-20 are pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 3, 7, 8, 9, 10, 11, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,122,947 issued to Falla (hereinafter "Falla").

In regard to claim 1, this claim has been amended to recite

A system for identification of animals, the system including an animal identification device adapted for application to an animal and a device for secure storage of organic material taken from the animal to be identified by the identification device, the secure storage device removably secured to the identification device, the storage device and identification device each being marked with a common identifier, and a storage holder adapted to receive the identification device and the storage device prior to use in such a way that the organic material taken from the animal to be identified can be stored in the storage device while mounted on the storage holder in which the identification device and the storage device are mounted prior to use.

These amendments are supported, for example, by paragraphs [0015], [0034] and [0035] of the Specification. The Applicant submits that Falla fails to teach each element of amended claim 1.

Amended claim 1 provides a system for identification of animals, which ensures that the animal on which the identification device is applied to is the animal from which the sample of organic material has been taken from and placed into the associated storage device. The cited prior art fails to disclose these elements of amended claim 1.

Falla discloses a pre-packaged patient identification kit. See Falla, Abstract. The kit comprises a wristband (which is an identification device adapted for application to a human) and tubes (which are devices for secure storage of organic material taken from the patient). See Id. The wristband and the tubes of Falla are marked with a common identifier. The kit also comprises a package to store the wristband and the tubes prior to use.

However, Falla does not disclose that the tubes (i.e. the storage holders) are removably secured to the wristband (i.e. the identification device) as recited in amended claim 1. Moreover, Falla does not disclose that the package is adapted to receive the wristband and the tubes prior to

use in such a way that the organic material taken from the patient to be identified can be stored in the tubes while located in the package as further recited in amended claim 1.

According to Falla, when an operator stores organic material taken from a patient in tubes, the tubes and the wristband are separate from each other. Therefore, there is no way to guaranty that the wristband will be attached to the wrist of a patient from which the organic material stored in the tubes belongs. By failing to teach this element of claim 1, Falla does not disclose each element of amended claim 1. Accordingly, the Applicant respectfully request reconsideration and withdrawal of the anticipation rejection of this claim.

In regard to claim 20, this claim has been amended to include elements analogous to those of claim 1. For at least the reason discussed above in claim 1, the Applicant submits that Fella does not disclose these elements of claim 20. Thus, Fella does not teach each element of this claim. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of this claim.

Claims 3, 7, 8, 9, 10, and 11 depend from independent claim 1, and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to independent claim 1, Fella does not teach each element of these dependent claims. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of claims 3, 7, 8, 9, 10, and 11.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 1, 3-16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,509,187 issued to Brem (hereinafter "Brem") in view of US Patent No. 4,122,947 issued to Falla (hereinafter "Falla").

Claim 1 has been amended to recite

A system for identification of animals, the system including an animal identification device adapted for application to an animal and a device for secure storage of organic material taken from the animal to be identified by the identification device, the secure storage device removably secured to the identification device, the storage device and identification device each being marked with a common identifier, and a storage holder adapted to receive the identification device and the storage device prior to use in such a way that the organic material taken from the animal to be identified can be stored in the storage device while mounted on the storage holder in which the identification device and the storage device are mounted prior to use.

These amendments are supported, for example, by paragraphs [0015], [0034] and [0035] of the Specification. The Applicant submits that the combination of Brem and Falla fails to teach or suggest each element of amended claim 1.

Brem relates to a device for the collection of cell components for molecular genetic investigation. The device disclosed by Brem comprises an animal identification device (10 and 11) adapted for application to an animal and a device for secure storage (1 and 9) of organic material taken from the animal to be identified by the identification device. Both the identification device and the storage device are marked with a common identifier. However, Brem does not disclose a storage holder adapted to receive the identification device and the storage device prior to use as recited in amended claim 1.

Further, Fella fails to cure the deficiencies of Brem. As discussed above in the Applicant's argument over the 35 U.S.C. § 102 rejections, in Fella when an operator stores organic material taken from a patient in a set of tubes (i.e. the storage device), the tubes and the wristband (i.e. the identification device) are separate from each other. Therefore, there is no way to guaranty that the wristband will be attached to the wrist of a patient from which the organic material stored in the tubes belongs.

In contrast, amended claim 1 recites a system for identification of animals including an animal identification device adapted for application to an animal and a device for secure storage of organic material taken from the animal to be identified by the identification device. The identification device and the storage device are marked with the same identifier marking and are mounted, prior to use, in a holder. For the reasons provided above, neither the kit of Fella, nor the device of Brem provide a system that ensures that the animal, on which the identification device is applied to, is the animal from which the sample of organic material has been taken from as provided in amended claim 1.

For the reasons provided above, the combination of Brem and Fella fails to disclose each element of amended claim 1. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claims 3-16, 18, and 19 depend from independent claim 1, and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to independent claim 1, the combination of Bremu and Fella does not teach or suggest each element of these

dependent claims. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-16, 18, and 19.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

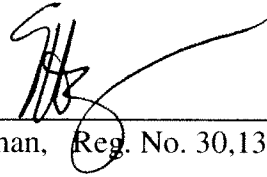
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

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By: _____



Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (408) 720-8300
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

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Jessica M. Huester

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